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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/015,404      | 12/12/2001  | Takashi Ito          | S004-4479           | 4066             |

7590 03/09/2004  
ADAMS & WILKS  
31st Floor  
50 Broadway  
New York, NY 10004

EXAMINER

EDWARDS, ANTHONY Q

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2835

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/015,404

Applicant(s)

ITO ET AL.

Examiner

Anthony Q. Edwards

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-7, 9, 10, 12, 13 and 16-20.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☒ Other: see attachment

**DARREN SCHUBERG**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

***Response to Arguments***

Applicant's arguments filed February 17, 2004 have been fully considered but they are not persuasive. The applicants' claimed invention is disclosed by Houlihan ('915) in view of Gloton et al. ('879). The applicants' attention is drawn to the arm wearable communication device (10) shown in Fig. 3 of Houlihan, which comprises a wireless communication circuit disposed in a case (20b) for transmitting and receiving a signal. As indicated in column 1, lines 65-68 of Houlihan, the circuitry for the device is disclosed in U.S. Patent No. 4,847,818 of Olsen (hereafter '818), which is incorporated by reference. Fig. 3 of Houlihan also shows a wearable body (20a, 20c) pivotally mounted to the case (20b) to enable the device to be worn on a user's arm and a sound unit (52) provided in the wearable body.

Referring to the incorporated patent of Olsen ('818), Fig. 1 shows an antenna (14) located between the sound unit [(8) corresponding to 52 of Houlihan] and the wireless communication circuit provided in the case [(2) corresponding to 20b of Houlihan]. The antenna (14) is also provided in the wearable body [(5) corresponding to 20c of Houlihan]. As mentioned in the Final Office Action, although Houlihan does not specifically disclose that the antenna (14) is a "chip antenna," Gloton et al. disclose providing a dielectric chip in an electronic communication device, such as a smart card, to receive and/or send signals as an electromagnetic antenna (see column 7, lines 30-35 and the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the arm wearable communication device of Houlihan to include a chip-type antenna, as taught by Gloton et al., to reduce the thickness and weight of the wearable communication device of Houlihan without hindering the signal reception of the telephone.

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Therefore, Houlihan in view of Gloton et al. discloses the chip antenna accommodated in the wearable body between the sound unit and the wireless communication circuit and electrically connected to the communication device body through coupling parts between the chip antenna and the wearable body.

Furthermore, the Examiner maintains the rejection of claims 17-20, as indicated in the Final Office Action. The Applicants' arguments have been fully considered but they are not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 1, 2004  
aqe